IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2638 OF 2000

Ashok Kumar Gupta ....Plaintiff
V/s.
Mukesh Kumar Gupta & Ors. ....Defendants

Mr.Vivek Sharma for the Plaintiff.

Mr.E. Anandan for Defendant No.2.

Ms.Shashikala Sharma i/b Mr.Y.N. Adhia for Defendant No.7.

CORAM : S.J. VAZIFDAR, J.
DATED : 16TH OCTOBER, 2007.

P.C. :

1. The suit is taken up for final hearing.

2. Leave to amend by substituting the name of Defendant No.2 with the name of ICICI Bank. ICICI Bank has taken over Defendant No.2. Mr.Sharma, the learned counsel appearing on behalf of the Plaintiff tenders a letter dated 1.6.2007 addressed by Defendant No.1 to the Plaintiff stating that Defendant No.2 now has no dues in respect of the facilities granted by Defendant No.2 to secure due repayment whereof the suit shares had been pledged.

3. The suit was filed for a declaration that the

Plaintiff is the owner of the suit shares and that Defendant Nos.2 and 3 are not entitled to the same. The Plaintiff has also sought an order permanently restraining Defendant Nos.3 to 9 from transferring the suit shares to the name of Defendant No.2 or to hand over the same to any person other than the Plaintiff. Defendant Nos.3 to 9 are various companies of which the suit shares were pledged in favour of Defendant No.2.

4. Defendant Nos.3 to 9 are therefore, not affected in any manner whatsoever. Mr.Anandan, the learned counsel appearing on behalf of Defendant No.2 confirms the contents of the said letter dated 1.6.2007 which is taken on record and marked "X" for identification. He states that Defendant No.2 has no claim against Defendant No.1 or the Plaintiff and now claims no interest in the suit shares.

5. In the circumstances the suit is decreed in terms of prayers (a) and (b). Defendant Nos.3 to 9 shall hand over the suit shares along with all documents pertaining thereto to the Plaintiff along with all accretions to the same including by way of bonus and dividend.

No order as to costs.